

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CASSANDRA KELLY,

Plaintiff,

-v.-

Civil Action No.  
5:09-cv-1359 (GLS/VEB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

Olinsky, Shurtliff Law Firm  
300 S. State Street  
5<sup>th</sup> Floor  
Syracuse, New York 13202

JAYA SHURTLIFF, ESQ.

**FOR THE DEFENDANT:**

Social Security Administration  
Office of Regional General Counsel  
Region II  
26 Federal Plaza - Room 3904  
New York, New York 10278

SHEENA V. WILLIAMS-BARR,  
ESQ.

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed January 18, 2011. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed January 18, 2011 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings is GRANTED, and it is further

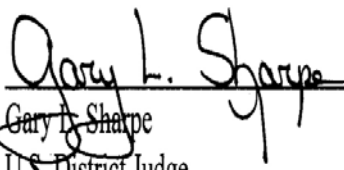
ORDERED that the Commissioner's motion is DENIED, and it is further

ORDERED that the decision of the Commissioner is REVERSED and the case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g) for further administrative proceedings, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: March 2, 2011  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge